

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

DAVID W LINDER,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00037-JPH-MJD
)	
DEA ADMINISTRATOR,)	
)	
Defendant.)	

ORDER DISMISSING CASE

On March 19, 2020, the Court screened Plaintiff David Linder's complaint and dismissed it as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). Dkt. 8. Mr. Linder responded on June 30, 2020, arguing that he does not challenge a past conviction. Dkt. 14 at 1. Instead, he seeks a declaratory judgment and injunction that would prevent the DEA from enforcing the Controlled Substances Act as to substances that the DEA considers controlled and punishable under Schedule III. *Id.* at 3–4. Mr. Linder seeks "to clear the way to practice his rights" to possess those substances upon his release. *Id.* at 3.

Mr. Linder's response does not identify a viable claim in his complaint. His response alleges only "speculation that he would suffer some unspecified future harm." *Marshall v. Knight*, 445 F.3d 965, 969 (7th Cir. 2006). Indeed, "the absence of an actual or imminent injury—as opposed to a merely speculative future one—would deprive federal courts of jurisdiction under Article III, which empowers the federal judiciary to decide 'cases' or

'controversies'." *Id.* at 969–70 (quoting U.S. Const. art. III § 2). "[T]he possibility that he might be subject to . . . punishment for a future criminal violation" is "too speculative" to support his claim. *United States v. Meza-Rodriguez*, 798 F.3d 664, 668 (7th Cir. 2015) (citing *Diaz v. Duckworth*, 143 F.3d 345, 346–47 (7th Cir. 1998)); accord *Simic v. City of Chicago*, 734 Fed. App'x 365, 366 (7th Cir. 2018).

Mr. Linder also requests "an indefinite Covid extension to argue the injunction," dkt. 14 at 5, but as explained above, he has not stated a claim that may proceed in this action. This case is therefore **DISMISSED without prejudice**. Final judgment will issue by separate entry.

SO ORDERED.

Date: 8/7/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

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